



28 APR 2008

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In re Application of :
CUEVAS SANCHEZ :
Application No. 10/588,166 :
PCT No.: PCT/ES05/70017 :
Int. Filing Date: 16 February 2005 : DECISION
Priority Date: 17 February 2004 :
Atty. Docket No.: U 016423-6 :
For: Use Of 2,5 - Dihydroxybenzenesulphonic :
Acid In The Production Of Medicaments :
For The Treatment of Angioidependent :
Diseases Such As Cancer And Psoriasis :

This is with regard to the response filed on 05 November 2007.

DISCUSSION

In a Decision mailed on 01 October 2007, the declaration filed on 18 April 2007 was not accepted, without prejudice, because

...it nominates four inventors whose names do not appear on the published international application. Specifically, the inventors at issue are Antonio Romero Garrido, Guillermo Gimenez Gallego, Serafin Valverde Lopez and Rosa Maria Lozano Puerto. Applicants do not appear to have furnished evidence that these inventors were added to the international application pursuant to PCT Rule 92bis. Therefore, treatment under 37 CFR 1.497(d) is appropriate. A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (See 37 CFR 3.73(b)). See Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.). The instant declaration was not accompanied by any of these elements. Therefore, the declaration cannot be accepted under 37 CFR 1.497(d) at this time.

In response, applicants provide "copies of the Notification of Recording of Change Under PCT Rule 92 bis (1) that shows that each of these inventors were added to the International application pursuant to PCT Rule 92 bis." In view of this showing, it would be appropriate to accept the declaration filed on 18 April 2007 for purposes of compliance with 37 CFR 1.497(a) and (b).

Further review of the application file reveals that the English translation filed on 02 August 2006 appears to be defective. Comparison of the translation of claim 14 with the Spanish

language claim 14 which is included in the published international application reveals a discrepancy in the fraction of "white soft paraffin" ("vaselina filante") claimed (30% versus 20%). Therefore, the translation is defective.

CONCLUSION

The declaration filed on 18 April 2007 is ACCEPTED.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an English translation of the international application and the processing fee under 37 CFR 1.492(i).

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